

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

JOSE ANGEL GARCIA,

Civil Case No. 09-1285-ST

Petitioner,

ORDER

vs.

CHUCK SEELEY,

Defendant.

Anthony D. Bornstein
Federal Public Defender's Office
101 SW Main Street, Suite 1700
Portland, Oregon 97204

Attorney for Petitioner

John R. Kroger
Attorney General

Jacqueline Kamins
Assistant Attorney General
Department of Justice
1162 Court Street NE
Salem, Oregon 97310

Attorneys for Respondent

KING, Judge:

The Honorable Janice Stewart, United States Magistrate Judge, filed Findings and Recommendation on January 31, 2011. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Rule 72(b) of the Federal Rules of Civil Procedure. Decisions on dispositive issues under 28 U.S.C. § 636(b)(1)(B) are reviewed de novo. United States v. Raddatz, 447 U.S. 667, 673 (1980); Bhan v. NME Hospitals, Inc., 929 F.2d 1404, 1414 (9th Cir. 1991). When a party objects to any portion of the Magistrate's Findings and Recommendation, the district court must make a de novo determination of that portion of the Magistrate's report. 28 U.S.C. § 636(b)(1)(C); United States v. Remsing, 874 F.2d 614 (9th Cir. 1989).

Petitioner objects to the Magistrate Judge's recommendation that his Amended Petition for Writ of Habeas Corpus be dismissed with prejudice.

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I have considered Petitioner's objections and given the Findings and Recommendation de novo review. I ADOPT the Magistrate Judge's Findings and Recommendations (doc. # 33). The Amended Petition for Writ of Habeas Corpus (doc. # 25) is DENIED and this case is dismissed with prejudice.

IT IS SO ORDERED.

Dated this 29th day of March, 2011.

/s/ Garr M. King
Garr M. King
United States District Judge